



**REGULAR MEETING OF THE CITY COUNCIL AND THE COUNCIL  
SITTING AS THE REDEVELOPMENT AGENCY BOARD**

**REGULAR CC/RDA MEETING  
Council Chamber in City Hall  
68-700 Avenida Lalo Guerrero  
Cathedral City, CA 92234**

**WEDNESDAY, MARCH 9<sup>th</sup>, 2005**

The regular meeting of the City Council, also sitting as the Redevelopment Agency was called to order by Mayor DeRosa in the Council Chambers on March 9, 2005 at 3:02 p.m.

**ROLL CALL:**

Present: Council Members/RDA Board Members England, Marchand, Mayor Pro Tem/Vice-Chairman Pettis, and Mayor/Chairman DeRosa

Absent: None

The evening meeting began at 6:35 p.m. and was opened by Mayor DeRosa in the Council Chambers. Council Member England gave the invocation. The Cathedral City High School Air Force Junior ROTC Color Guard presented the colors and Mayor DeRosa led the audience in the Pledge of allegiance.

**CLOSED SESSION AGENDA:**

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9, Subd. (b)  
Number of Potential Cases: 1
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6  
Agency Negotiator: Donald Bradley, City Manager  
Represented Employees: 1) Cathedral City Police Fire Management Association (CCPFMA); 2) American Federation of State, County and Municipal Employees.
3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):  
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli,

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- Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.  
Case No.: United States District Court, Central District of California Case No. EDCV 2-965
4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):  
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipo, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual capacity, and DOES 1 through 10, Inclusive  
Case No.: United States District Court, Central District of California Case No. CV 04 02931 (VBKx) Complaint for Damages and Injunctive Relief Demand for Jury Trial
5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Keith Scott**)  
Property Location: South of East Palm Canyon Drive, West of the Perez Road extension, East of Canyon Plaza  
APN#s 687-030-010 and 074  
Negotiating Parties: Redevelopment Agency and Desert Hills Mobile Home Park, Inc.  
Property Owner: Desert Hills Mobile Home Park  
Under Negotiation: Property Negotiations
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Keith Scott**)  
Property Location: 31950 Crosley Road  
APN# 677-420-016 and associated parcels  
Negotiating Parties: Redevelopment Agency and KEH Development Company, LLC  
Property Owner: Dr. C. Bochner  
Under Negotiation: Property Acquisition
7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Tami Scott**)  
Property Location: East of Van Fleet Avenue, South of East Palm Canyon Drive; APN #'s 687-207-005 (Sousa) and 687-223-016 (Sanchez); and 687-223-007 (Ruiz)  
Negotiating Parties: Redevelopment Agency and the City Urban Revitalization Corporation (CURC).  
Property Owners: Martin Sousa, et al; Jorge & Maria Sanchez and Jose Ruiz  
Under Negotiation: Amendment to Disposition Development Agreement

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8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Warren Bradshaw**)  
Property Location: 68-860 Cedar Road APN# 680-401-010  
Negotiating Parties: Cathedral City, Redevelopment Agency and  
Juan Cruz Aguilar  
Property Owner: Redevelopment Agency  
Under Negotiation: Property Disposition
9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Paul Shillcock**)  
Property Location: North and west of the intersection of Perez Road and Campbell Street APN# 687-322-015 and 687-071-013  
Negotiating Parties: Redevelopment Agency and Palm Springs Nissan  
Property Owners: Terry L. Butts and Myles E. Bois  
Under Negotiation: Property Disposition
10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Paul Shillcock**)  
Property Location: Extreme southern end of Perez Road extension  
APN# 687-460-019  
Negotiating Parties: Redevelopment Agency and Roberta's Limited  
Partnership  
Property Owners: Redevelopment Agency  
Under Negotiation: Disposition of Property
11. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Warren Bradshaw**)  
Property Location: 68546 A Street APN# 687-197-007  
Negotiating Parties: Redevelopment Agency and Gary Scott (Realtor)  
Property Owners: Roger Smith  
Under Negotiation: Acquisition of Property
12. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Warren Bradshaw**)  
Property Location: 37280 and 37290 Cathedral Canyon Drive  
APN# 687-213-003 & 004  
Negotiating Parties: Redevelopment Agency and Butch Haltman  
Property Owners: Butch Haltman  
Under Negotiation: Acquisition of Property
13. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Howard Baum**)  
Property Location: a portion of Lots 9 and 10 of Tract 28339 in the City of Cathedral City, Riverside County, State of California as shown by map on file in Book 272, Pages 25-28 of Maps

in the Office of the County Recorder of Riverside County California, more particularly described as Parcel A of Lot Line Adjustment No. 2000-293, as recorded on August 3, 2000 in the official records of the Riverside County Recorder's Office as Instrument No. 2000-300712.

Negotiating Parties: Redevelopment Agency and Cathedral Canyon Associates, LLC

Property Owners: Cathedral Canyon Associates, LLC

Under Negotiation: Owner Participation Agreement (OPA)

14. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Howard Baum**)

Property Location: Mary Pickford Theater

Negotiating Parties: Redevelopment Agency and Palm Canyon Partners, LLC

Property Owners: Palm Canyon Partners, LLC

Under Negotiation: Approval of Property Sale

**CLOSED SESSION ANNOUNCEMENTS**

There were no closed session announcements.

**PUBLIC COMMENTS**

Bill Cohen – Cathedral City. Mr. Cohen continues to recruit volunteers to serve on C.O.P.S. and he sells T-shirts to raise money for this volunteer organization, call him at 321-0148.

Greg Wetmore – Rancho Mirage. Mr. Wetmore is the CEO and President of the Cathedral City Chamber of Commerce. He thanked the Mayor for bringing news of the City to the monthly Chamber breakfast. He reminded us of the event scheduled for April 22<sup>nd</sup> wherein we will be honoring educators from the three school districts in the Coachella Valley. The cost of dinner is only \$35 and everyone is welcome. He gave us a rundown on other activities scheduled.

Chuck Vasquez – Cathedral City. Mr. Vasquez is the Co-chair of the 35<sup>th</sup> Avenue Neighborhood Watch. In addition to all the new neighborhood watch groups, Rancho Mirage has asked him with ideas and tools to help them establish at least six neighborhood watch groups in their city. He thanked the Police Department for all their help.

Robert Reeves – Cathedral City Cove. Mr. Reeves is a member of the steering committee of the Cove Improvement District. Mr. Reeves gave a detailed report of the committee's efforts with regard to meeting, and identifying possible funding sources. He advised there would be a meeting on March 14<sup>th</sup> at the Doral Hotel, to advise residents of the costs related to the Improvement District.

Al LaSalle – President of the United Cerebral Palsy Board. Mr. LaSalle advised that they serve 138 families here in Riverside and San Bernardino Counties and that they were having an Easter Egg Hunt on March 20<sup>th</sup> at the Whitewater Park in Rancho Mirage.

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### **AGENDA FINALIZATION**

Mayor DeRosa announced that items 8. and 10. would be continued to the next City Council meeting scheduled for March 23, 2005. Also that item 9. would be continued to a date yet to be determined. By a 4-0 vote of the City Council items 6A and 6B, urgency items, were added to the Consent Agenda.

### **SCHOOL REPORTS**

The students from Cathedral City High School, Melissa Torres and Stephanie Price reported to Council about the activities of their High School. They also talked of the spring teams for baseball, softball and golf.

### **COUNCIL COMMENT**

Council Member Marchand – Mr. Marchand serves on the Coachella Valley Mosquito Control Board. With regard to the Red Fire Ant Control, there will be a ballot later this year, and if the people choose to establish an assessment district to continue the Red Fire Ant Control in the valley, it will cost about \$16 per household per year.

Mayor Pro Tem Pettis spoke of the Sewer Project in the cove. Tomorrow morning the California Regional Water Quality Board will meet, and our engineer and some of the cove committee members will be there to speak. SCAG and various transportation agencies were in Washington to lobby our representatives. Sunday at Sunrise Park will be an exhibit to honor the men and women who have died in Iraq, and Desert Hot Springs Council Member Bosworth, Palm Springs Council Member Foat and I will be there, the exhibit is called "Eyes Wide Open".

Council Member England – Mr. England invited everyone to come out to the Library on Wednesday March 23<sup>rd</sup> to a book signing by author Jim Santago Baca for his new book Lone Wolf. The fountain is turned on and the work completed so stop by and see the new businesses in the downtown.

Mayor DeRosa announced that the Council now had a brochure about coming to City Council meetings and what you might expect. Please take one and use it. Last year she sat on the scholarship committee "Desert Rainbow Foundation", they will be awarding scholarships again this year in the amounts of \$1500-\$2000. These are not only for High School students but for adults returning to school. Cathedral City Elementary Principal was recognized by Riverside County for this efforts in the Foster Parents. There will be a memorial concert for Craig Eaton (an original member of the Public Arts Commission) this Sunday at the Doral from 12-8 pm. I want to thank Robert Reeves for his support with the cover sewer project.

### **MINUTES**

Mayor DeRosa called for corrections to the minutes, hearing none, Mayor DeRosa advised that the minutes of February 23, 2005 stood approved as submitted.

**PRESENTATIONS & PROCLAMATIONS**

Mayor DeRosa advised that the city was sending proclamations declaring the week of May 1 through May 8<sup>th</sup>, 2005 as the Day of Remembrance, Yom Hashoah and declaring the week of April 18-23, 2005 as Recording for the Blind & Dyslexic's Record A-Thon Week. She then invited the Council Members to join her in presenting a proclamation declaring the month of May, 2005 as Motorcycle Awareness Week in Cathedral City, to members of the organization who were present in the audience.

**CONSENT AGENDA**

Council Member Marchand moved approval of the Consent Agenda, motion seconded by Council Member England, motion carried 4-0.

1. Approved lease extension for Assembly Member Bonnie Garcia's office space **by Minute Order #3861.**
2. Approved annual funding in the amount of \$20,000 for the Student Creative Recycling Art Program (S.C.R.A.P. Gallery) in the amount of \$20,000 for fiscal year 2004-2005 from available AB939 funds **by Minute Order #3862.**
3. Approved the first amendment to Disposition and Development Agreement between the Redevelopment Agency and the City Urban Revitalization Corporation (CURC) **by Minute Order #3863.**
4. Approved adoption of the resolution in support of retention of the Community Development Block Grant (CDBG) program Fiscal Year 2006 budget appropriations **by Resolution No. 2005-18.**
5. Approved the contract for Professional Services with Debby Cobb consulting to provide all engineering, planning oversight and administration of the Rio Vista Village Mello-Roos Community Facilities and Cancellation of the existing contract with Hall Foreman, Inc., for the same services **by Minute Order #3864.**
6. Adopted proposed resolution of the City Council for the City of Cathedral City, authorizing submittal of grant application and execution of a standard agreement and any other documents necessary to secure a workforce housing reward grant from the State of California, Housing and Community Development Department **by Resolution No. 2005-19**
- 6A. Ratified the designation of Donald Bradley, City Manager and Steven Sowles, Fire Chief as the "Applicant's Agents for the local emergency which was declared in January, 2005 **by Resolution No. 2005-20.**
- 6B. Approved an increase in the contract with American Asphalt South to apply a rubberized slurry seal in Assessment District 96-1 (Initial Rio Vista) using AD 96-1 maintenance funds, as previously approved by Council on July 26, 2004 as CIP 8030; and approved by Council on January 12, 2005 **by Minute Order #3865.**

**PUBLIC HEARINGS**

7. Continuation of the Joint Public Hearing between the City of Cathedral City and the Redevelopment Agency related to the 2005 amendment to the amended Redevelopment Enabling Plan for Project Area No. 3.

Mayor DeRosa – “The next item on the agenda tonight is the continued joint public hearing of the City Council and the Redevelopment Agency on the proposed 2005 Amendment to the Amended Redevelopment Enabling Plan for the Cathedral City Redevelopment Project Area No. 3 (Amendment No. 6) which was continued from February 23, 2005, at which time public testimony section of the hearing was held and closed. Since then, the City Council and the Redevelopment Agency has considered the comments and concerns raised at the community information meeting of February 8<sup>th</sup>, the public testimony from the joint public hearing of February 23<sup>rd</sup>, the written comments received by Agency staff and staff’s responses to written comments and concerns and testimony. The City Council and Redevelopment Agency will now consider whether or not to proceed with the Plan Amendment. We will now take the staff report from Mr. Scott”.

Keith Scott- Redevelopment Project Manager - As discussed at the last meeting, the purpose of the 2005 Amendment is limited: It is to add the power of eminent domain with respect to certain portions of the Redevelopment Project Area. Also, as stated at the previous meeting, the action under consideration by the City Council and the Redevelopment Agency Board does not take or start to take anyone’s property or business.

The portions that are affected include properties in the City of Cathedral City located north of Ramon Road to the west of the Whitewater River Channel and southeast of the Dream Homes tract (Tract # 14288 and the Palm Springs Country Club Estates).

The Redevelopment Agency received eleven (11) written letters from the public generally related to concerns of property or business owners if the Agency exercised eminent domain over their particular property. Agency staff and legal counsel reviewed

the written comments, as well as oral testimony presented at the public hearing, and prepared responses which provided a reasoned analysis as to why the objections should not prevent the consideration of the proposed Plan Amendment. All written letters, oral testimony and written responses are included as part of the record. I have been asked to read into the record a memo from attorney Clark Garen, related to a case pending at the US Supreme Court: (Document read into the record, copy attached to these minutes.

The actions being considered tonight by the City Council and Redevelopment Agency Board have clearly been adjudged to be legal and constitutional under all existing law. If future cases or statutes change that, then the agency will, of course, review its policies and procedures in light of any change in the law.

Tonight the City Council and the Redevelopment Agency Board will consider all the documents in the record and decide whether or not to proceed with the adoption of the 2005 Amendment.

The specific actions to be considered tonight are as follows:

Mayor Pro Tem Pettis moved approval of items 1 through 5, motion seconded by Council Member England, motion carried 4-0. Mayor Pro Tem Pettis moved approval of item 6, introducing the proposed ordinance of the City Council, motion seconded by Council Member Marchand, motion carried 4-0.

**1) *Adopted Resolution of the Redevelopment Agency of the City of Cathedral City No. R-401***, approving the updated relocation plan for the 2005 amendment to the amended Redevelopment Enabling Plan for the Cathedral City Redevelopment Project Area No. 3 (Amendment No.6); **2) *Adopted Resolution of the Redevelopment Agency for the City of Cathedral City No. R-402***, approving the updated rules governing participation and re-entry preferences for owners, operators or businesses and tenants for the 2005 amendment to the amended Redevelopment Enabling Plan for the Cathedral City Redevelopment Project Area No. 3 (Amendment No. 6); **3) *Adopted resolution of the Redevelopment Agency of the City of Cathedral City No. R-403***, approving the 2005 amendment to the amended Redevelopment Enabling Plan for the Cathedral City Redevelopment Project Area No. 3 (Amendment No. 6); **4) *Adopted resolution of the Redevelopment Agency of the City of Cathedral City No. R-404***, approving procedures for the implementation of the 2005 amendment to the amended Redevelopment Enabling Plan for the Cathedral City Redevelopment Project Area No. 3 (Amendment No. 6); **5) *Adopted Resolution of the City Council No. 2005-21***, making findings and determinations with respect to responses to testimony received and written objections submitted regarding the 2005 amendment to the amended Redevelopment Enabling Plan for the Cathedral City Redevelopment Project Area No. 3 (Amendment No. 6); and **6) *Introduced proposed ordinance of the City Council for the City of Cathedral City***, approving and adopting the 2005 amendment to the amended Redevelopment Enabling Plan for the Cathedral City Redevelopment Project Area No. 3 (Amendment No. 6) **first reading by Minute Order # 3866**

8. Joint Public Hearing between the City of Cathedral City and the Redevelopment Agency pursuant to Health and Safety Code sections 33431 and 33433 regarding a proposed Disposition and Development Agreement by and between the Agency and CCC Properties (O'Brien) LLC.

The public hearing was opened and closed without comments.

**This item being continued to City Council Meeting on March 23, 2005.**

9. Joint Public Hearing between the City of Cathedral City and the Redevelopment Agency for the disposition of real property acquired by the Agency with Tax Increment funds to Juan Cruz Aguilar for the purpose of constructing affordable single-family owner-occupied homes for low or very low income families and the elimination of blight. **This item being continued to a date to be determined.**



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10. Adopt proposed resolution of necessity for the acquisition of approximately 32,000 square feet of vacant land in the East Cathedral Cove Storm Channel. **This item being continued to City Council Meeting on March 23, 2005.**
11. Tentative Parcel Map 33229: A request to subdivide a 0.7 acre parcel into 3 lots, located on the south side of Mission Drive, west of San Luis Rey Drive, in the R-1 (Single-Family Residential) Zone.

There was a brief report by Deputy City Manager Julie Baumer.

Public comments were opened and closed without comment.

Council Member moved approval of the Parcel Map, motion seconded by Mayor Pro Tem Pettis, motion carried 4-0 by **Resolution No. 2005-22.**

**LEGISLATIVE ACTION(S)**

None this meeting.

**ADJOURNMENT**

Council Member Marchand wanted us to adjourn this evening in memory of the Armed Forces and personnel that have died in Iraq, which not numbers over 1500.

Hearing no further business to come before the Council Mayor DeRosa declared adjournment at 7:35 pm, without objection.

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Pat Hammers, CMC  
City Clerk